

Senate Bill No. 993

Passed the Senate August 20, 2014

Secretary of the Senate

Passed the Assembly August 19, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 2585, 2586, 2586.4, and 2586.8 of the Business and Professions Code, relating to dietitians.

LEGISLATIVE COUNSEL'S DIGEST

SB 993, Mitchell. Healing arts: dietitians.

Existing law requires dietetic technicians, registered, to possess prescribed qualifications, including academic requirements, and makes it a misdemeanor for any person not meeting those requirements to use, in connection with his or her name or place of business, the term “dietetic technician, registered” or the letters “DTR.”

Existing law authorizes a registered dietitian, upon referral by a health care provider, to provide medical nutrition therapy, which includes, among other things, the development of nutritional and dietary treatments for individuals or groups of patients in specified settings. Existing law allows a dietetic technician, registered to assist the registered dietitian in these circumstances in the implementation or monitoring of medical nutrition therapy. Existing law makes it a misdemeanor for a registered dietitian, or other specified nutritional professionals, to practice in a manner inconsistent with these provisions.

This bill would revise the qualifications required for a person representing himself or herself as a dietetic technician, registered and would require the dietetic technician, registered to have completed his or her course of study before assisting the registered dietitian. The bill would also make it a misdemeanor for any person not meeting those qualifications to use, in connection with his or her name or place of business, the term “registered dietitian nutritionist” or the letters “RDN.”

This bill would also allow a registered dietitian, under the above-described circumstances, or other nutritional professional who meets specified qualifications, to develop and recommend nutritional and dietary treatments, as provided, and would allow the registered dietitian or other nutritional professional to perform nutritional assessments and to initiate nutritional interventions pursuant to a licensed health care facility’s approved nutrition

screening policy and procedure, as provided. The bill would specify that these provisions do not authorize a registered dietitian, or other nutritional professional, to administer central vein or peripheral vein nutrition. This bill would also make technical, nonsubstantive changes.

By both expanding and changing the definition of existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 2585 of the Business and Professions Code is amended to read:

2585. (a) Any person representing himself or herself as a registered dietitian shall meet one of the following qualifications:

(1) Been granted, prior to January 1, 1981, the right to use the term “registered dietitian” by a public or private agency or institution recognized by the State Department of Public Health as qualified to grant the title, provided that person continues to meet all requirements and qualifications periodically prescribed by the agency or institution for the maintenance of that title.

(2) Possess all of the following qualifications:

(A) Be 18 years of age or older.

(B) Satisfactory completion of appropriate academic requirements for the field of dietetics and related disciplines and receipt of a baccalaureate or higher degree from a college or university accredited by the Western Association of Schools and Colleges or other regional accreditation agency.

(C) Satisfactory completion of a program of supervised practice for a minimum of 900 hours that is designed to prepare entry level practitioners through instruction and assignments in a clinical setting. Supervisors of the program shall meet minimum qualifications established by public or private agencies or institutions recognized by the State Department of Public Health to establish those qualifications.

(D) Satisfactory completion of an examination administered by a public or private agency or institution recognized by the State Department of Public Health as qualified to administer the examinations.

(E) Satisfactory completion of continuing education requirements established by a public or private agency or institution recognized by the State Department of Public Health to establish the requirements.

(b) Any person representing himself or herself as a dietetic technician, registered shall possess all of the following qualifications:

(1) Be 18 years of age or older.

(2) Satisfactory completion of either of the following:

(A) Appropriate academic requirements for dietetic technicians, registered, receipt of an associate's degree or higher from a college or university accredited by the Western Association of Schools and Colleges or other regional accreditation agency, and at least 450 hours of supervised practice experience. Supervisors of practice experiences shall meet the minimum qualifications established by public or private agencies or institutions recognized by the State Department of Public Health to establish the qualifications.

(B) Appropriate academic requirements for the field of dietetics and related disciplines and receipt of a baccalaureate or higher degree from a college or university accredited by the Western Association of Schools and Colleges or other regional accreditation agency.

(3) Satisfactory completion of an examination administered by a public or private agency or institution recognized by the State Department of Public Health to administer the examination.

(4) Satisfactory completion of continuing education requirements established by a public or private agency or institution recognized by the State Department of Public Health to establish the requirements.

(c) It is a misdemeanor for any person not meeting the criteria of subdivision (a) or (b) to use, in connection with his or her name or place of business, the words "dietetic technician, registered," "dietitian," "dietician," "registered dietitian," "registered dietician," "registered dietitian nutritionist," or the letters "RD," "RDN," "DTR," or any other words, letters, abbreviations, or insignia indicating or implying that the person is a dietitian, dietetic

technician, registered, registered dietitian, or registered dietitian nutritionist or to represent, in any way, orally, in writing, in print or by sign, directly or by implication, that he or she is a dietitian, a dietetic technician, registered, a registered dietitian, or a registered dietitian nutritionist.

(d) Any person employed by a licensed health care facility as a registered dietitian on the effective date of this chapter may continue to represent himself or herself as a registered dietitian while employed by a licensed health care facility, if he or she has satisfied the requirements of either paragraph (1) or paragraph (2) of subdivision (a), except that he or she shall not be required to satisfy the examination requirement of subparagraph (B) of paragraph (2) of subdivision (a).

(e) Notwithstanding any other law or regulation that limits reimbursement to state licensed health care providers and upon referral by a physician and surgeon, the following persons may be reimbursed for the nutritional advice or advice concerning proper nutrition as set forth in Section 2068, or for the nutritional assessments, counseling, and treatments as set forth in Section 2586:

(1) Registered dietitians.

(2) Other nutritional professionals with a master's or higher degree in a field covering clinical nutrition sciences, from a college or university accredited by a regional accreditation agency, who are deemed qualified to provide these services by the referring physician and surgeon.

(f) Nothing in this section shall be construed to mandate direct reimbursement of registered dietitians, or other nutrition professionals described in subdivision (e), as a separate provider type under the Medi-Cal program, nor to mandate reimbursement where expressly prohibited by federal law or regulation.

SEC. 2. Section 2586 of the Business and Professions Code is amended to read:

2586. (a) (1) Notwithstanding any other law, a registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585 may, upon referral by a health care provider authorized to prescribe dietary treatments, provide nutritional and dietary counseling, conduct nutritional and dietary assessments, and develop and recommend nutritional and dietary treatments, including therapeutic diets, for individuals or

groups of patients in licensed institutional facilities or in private office settings. The referral for medical nutrition therapy shall be accompanied by a written prescription signed by the health care provider detailing the patient's diagnosis and including either a statement of the desired objective of dietary treatment or a diet order. The registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585, may perform nutritional assessments and initiate nutritional interventions within the parameters of the prescribed diet order pursuant to a licensed health care facility's approved nutrition screening policy and procedure. The registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585, shall collaborate with a multidisciplinary team, which shall include the treating physician and the registered nurse, in developing the patient's nutrition care plan. Unless otherwise stated in the diet order by a patient's provider, the registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585, may individualize the patient's nutritional or dietary treatment when necessary, by modifying the distribution, type, or quantity of food and nutrients within the parameters of the diet order. Any modification, and the rationale for the modification, shall be documented in the patient's record for review by the practitioner, or other licensed health care professional, who is legally authorized to prescribe and is responsible for the care of the patient. Nothing in this subdivision shall be construed to authorize a registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585, to order or administer a central vein or peripheral vein nutrition.

(2) The services described in this subdivision may be termed "medical nutrition therapy."

(b) A registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585, may accept or transmit verbal orders or electronically transmitted orders for medical nutrition therapy from the referring physician or the physician responsible for the care of the patient in a licensed health care facility.

(c) A registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section

2585, may order medical laboratory tests related to medical nutrition therapy services when approved by the referring physician or the physician responsible for the care of the patient and when, in the absence of the referring physician or physician responsible for the care of the patient at a patient visit, in a clinic where there is a registered nurse on duty, a registered nurse is notified that a medical laboratory test is being ordered and is afforded an opportunity to assess the patient.

(d) (1) Notwithstanding any other law, a dietetic technician, registered meeting the qualifications set forth in Section 2585 may, under the direct supervision of a registered dietitian, assist in the implementation or monitoring of services specified in subdivision (a), but shall not develop nutritional or dietary therapy or treatments or accept or transmit verbal orders.

(2) (A) For purposes of this subdivision, “direct supervision” means the supervising registered dietitian shall be physically available to the dietetic technician, registered for consultation whenever consultation is required. However, in the case of a small or rural hospital, as defined in Section 124840 of the Health and Safety Code, the registered dietitian may be available for consultation by telephone or other electronic means, provided that the registered dietitian is physically on the facility site a sufficient amount of time to provide adequate supervision over and review of the work of the dietetic technician, registered.

(B) For purposes of this subdivision, “physically available” means physical onsite presence during regular business hours, and includes telephonic or electronic availability at all times and the ability to respond to the facility within a reasonable period of time when required. The registered dietitian shall review any activities performed by the dietetic technician, registered during any period when the registered dietitian was not physically onsite.

(3) For purposes of this subdivision, a registered dietitian shall not supervise more than two dietetic technicians, registered at one time.

(e) It is a misdemeanor for a person specified in subdivision (e) of Section 2585 to practice in a manner inconsistent with the requirements set forth in this section.

(f) Nothing in this section shall preclude a person specified in subdivision (b) or (e) of Section 2585 from providing information as permitted by Section 2068.

(g) For purposes of this section, “health care provider” means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act or the Chiropractic Initiative Act.

(h) The requirement of a written prescription shall be deemed to be satisfied by an entry in the patient records of a patient who is undergoing treatment at a licensed health care facility if the contents of the patient records reflect the information required by this section.

(i) Nothing in this section or Section 2585 shall be interpreted to establish educational criteria or practice restrictions or limitations for other health care providers licensed under Division 2 (commencing with Section 500) or the Osteopathic Initiative Act or the Chiropractic Initiative Act.

SEC. 3. Section 2586.4 of the Business and Professions Code is amended to read:

2586.4. A person may engage in the activities set forth in subdivision (d) of Section 2586 if the person meets both of the following requirements:

(a) The person is engaged in the activities as part of a supervised practice program for a dietetic technician, registered pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 2585.

(b) The person has completed a course of study to fulfill the educational requirements for a dietetic technician, registered in subparagraph (A) or (B) of paragraph (2) of subdivision (b) of Section 2585.

SEC. 4. Section 2586.8 of the Business and Professions Code is amended to read:

2586.8. A person may engage in the activities set forth in subdivision (d) of Section 2586 for six months from the date he or she completed the academic requirements for dietetic technicians specified in subparagraph (A) or (B) of paragraph (2) of subdivision (b) of Section 2585, or until the person receives notice that he or she has failed the examination specified in subdivision (c), whichever occurs first, if all of the following conditions apply:

(a) The person performs under the direct and immediate supervision of a registered dietitian.

(b) The person has written verification, including the program director's original signature, that the person has completed the educational program and possesses an associate's degree or higher.

(c) The person has applied to take the dietetic technician, registered examination specified in paragraph (3) of subdivision (b) of Section 2585 and is waiting for an examination date.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2014

Governor